IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

SOCIAL POSITIONING INPUT SYSTEMS, LLC,	§ § §	
Plaintiff,	§ §	Case No:
vs.	§ §	PATENT CASE
ZUBIE, INC.,	§ §	JURY TRIAL DEMANDED
Defendant.	§ §	
_____	§	

COMPLAINT

Plaintiff Social Positioning Input Systems, LLC ("Plaintiff" or "SPIS") files this Complaint against Zubie, Inc. ("Defendant" or "Zubie") for infringement of United States Patent No. 9,261,365 (hereinafter "the '365 Patent").

PARTIES AND JURISDICTION

1.   This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2.   Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3.   Plaintiff is a Texas limited liability company with a virtual office located at 1 East Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

4.   On information and belief, Defendant is a Delaware corporation with its principal office located at 8120 Penn Ave. S., Ste. 580, Bloomington, MN 55431. On information and belief, Defendant can be served through its agent, National Registered Agents, Inc., 100 S. 5th Street, #1075, Minneapolis, MN 55402.

5.   On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6.   On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7.   On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District.   Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,261,365)

8.   Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9.   This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq*.

10.   Plaintiff is the owner by assignment of the '365 Patent with sole rights to enforce the '365 Patent and sue infringers.

11.   A copy of the '365 Patent, titled "Device, System and Method for Remotely Entering, Storing and Sharing Addresses for a Positional Information Device," is attached hereto as Exhibit A.

12.   The '365 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.
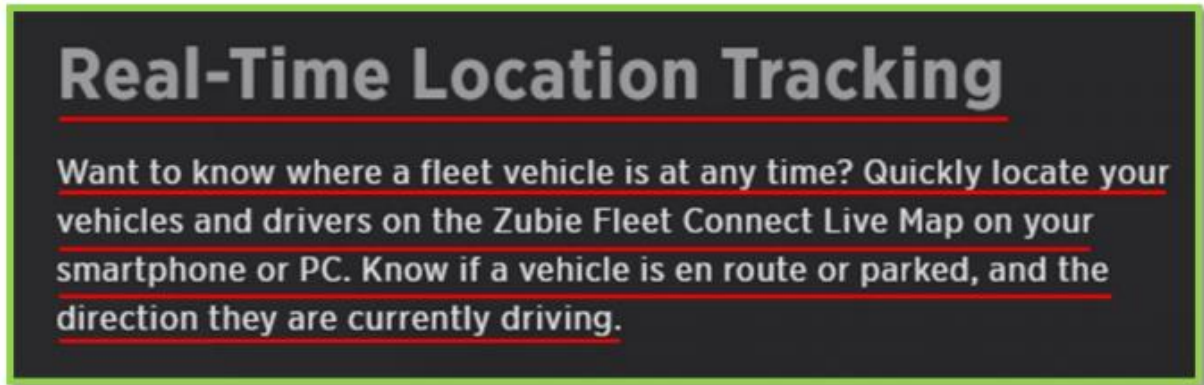
13.   Upon information and belief, Defendant has infringed and continues to infringe

one or more claims, including at least Claim 1, of the '365 Patent by making, using (at least by having its employees, or someone under Defendant's control, test the accused Product), importing, selling, and/or offering for sale associated hardware and software for asset locating services (e.g., Zubie asset tracking platform, and any associated hardware, apps, or other software) ("Product") covered by at least Claim 1 of the '365 Patent. Defendant has infringed and continues to infringe the '365 patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

14.   The Product provides a vehicle tracking system for real-time GPS tracking of assets. A user can receive location information on a positional information device (e.g., mobile device or computer). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
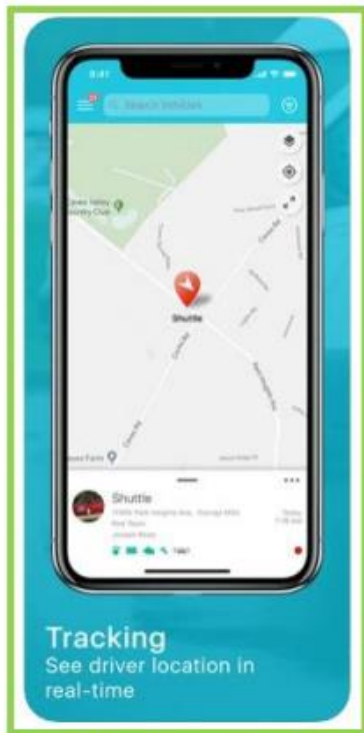

Source: https://apps.apple.com/us/app/zubie/id681377583

Real-Time Location Tracking

Want to know where a fleet vehicle is at any time? Quickly locate your vehicles and drivers on the Zubie Fleet Connect Live Map on your smartphone or PC. Know if a vehicle is en route or parked, and the direction they are currently driving.

Source: https://zubie.com/gps-tracking/

15.   The Product software sends a request from a first (requesting) positional information device (e.g., mobile device or desktop with software installed) to a server. The request is for the real-time location (e.g., stored address) of a vehicle or vehicles, and includes a first identifier of the requesting positional information device (e.g., user ID and password for the Product software used in the particular enterprise). The request is sent to the Product server for transmitting the vehicle location. The server receives the at least one address from a second (sending) positional information device at the vehicle. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
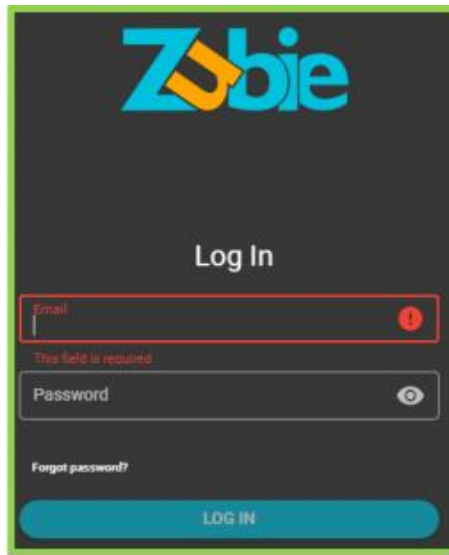
The Zubie Advantage
Technology -- The Zubie Service uses a proprietary AlwaysSmart™ technology, as opposed to Bluetooth-based, phone-dependent technology. This means it is always on and always connected. From the moment a car is turned on, the Zubie Key (OBD device) is collecting data and transmitting it to our cloud. Our Smartphone apps talk to the cloud as well, giving the Zubie user the same capabilities regardless of where he/she is.
Why is our Always-Connected solution better?

Source: https://apps.apple.com/us/app/zubie/id681377583
Source: https://zubie.com/wp-content/uploads/2014/04/Zubie-Fact-Sheet.pdf

Source: https://app.zubie.com/login
Source: https://arijaycomet.com/2014/09/11/review-comparison-zubie-key-connected-car-service-versus-automatic-smart-driving-assistant/

16.   The at least one address is received from the server at the requesting positional information device. For example the Product's server transmits the position of an asset (at least

one address) to the requesting positional information device. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.
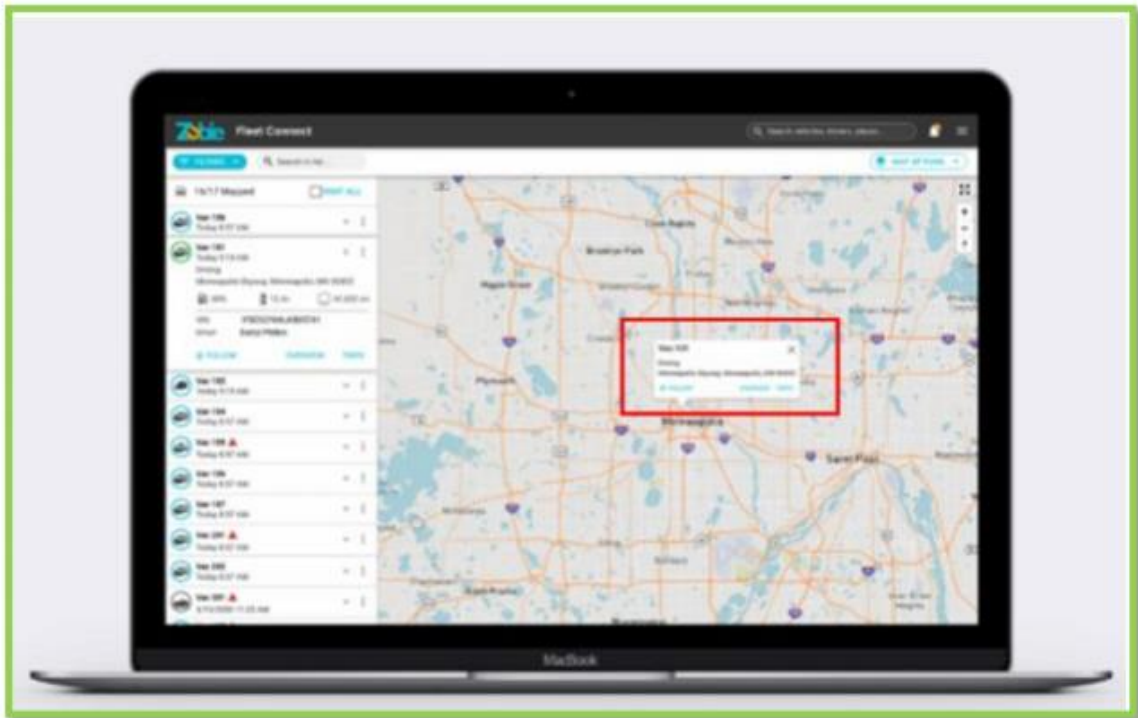

The Zubie Advantage
Technology -- The Zubie Service uses a proprietary AlwaysSmart™ technology, as opposed to Bluetooth-based, phone-dependent technology. This means it is always on and always connected. From the moment a car is turned on, the Zubie Key (OBD device) is collecting data and transmitting it to our cloud. Our Smartphone apps talk to the cloud as well, giving the Zubie user the same capabilities regardless of where he/she is.
Why is our Always-Connected solution better?

Easy, low-cost fleet tracking for 2-200 vehicles

Source: https://apps.apple.com/us/app/zubie/id681377583
Source: https://zubie.com/wp-content/uploads/2014/04/Zubie-Fact-Sheet.pdf

17.   A second identifier for the second (sending) positional information device is determined based on the first identifier and the server retrieves the at least one address stored in the at least one sending positional information device. The Product application installed on the requesting positional information device requests (from the server) the vehicle's GPS location (i.e., at least one stored address stored). As shown above, before activating the tracker (i.e., the sending positional information device), a unique tracking device's ID number (i.e., second identifier) needs to be added to the user's account identified by the user login ID and password (i.e., the first identifier). Hence, the tracker device's ID number (i.e., second identifier) is mapped to the user's login ID (i.e., the first identifier) for tracking the real-time location (i.e., at least one

stored address stored) of the vehicle. Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

Source: https://zubie.com/zubie-fleet-connect/

Source: https://app.zubie.com/login
Source: https://arijaycomet.com/2014/09/11/review-comparison-zubie-key-connected-car-service-versus-automatic-smart-driving-assistant/

18.   Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

19.   Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

20.   Plaintiff is in compliance with 35 U.S.C. § 287.

JURY DEMAND

21.   Under Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a)   Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b)   Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,261,365 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c)   Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d)   Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e)   Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: December 14, 2021.   Respectfully submitted,

                                         /s/ *Eric J. Strobel*

                                         Eric J. Strobel
                                         Strobel Consulting Services, LLC
                                         608 E. 38th Street
                                         Sioux Falls, SD 57105
                                         651.338.7044
                                         eric@strobelconsulting.net

                                         ATTORNEYS FOR PLAINTIFF

PLAINTIFF'S COMPLAINT AGAINST DEFENDANT ON ZUBIE, INC. | 9